



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/786,576	02/24/2004	William A. McCarty	KSCII.016A	1813

  

20995	7590	11/13/2009
KNOBBE MARTENS OLSON & BEAR LLP		
2040 MAIN STREET		
FOURTEENTH FLOOR		
IRVINE, CA 92614		

  

EXAMINER	
PAUL, DISLER	

  

ART UNIT	PAPER NUMBER
2614	

  

NOTIFICATION DATE	DELIVERY MODE
11/13/2009	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

jcartee@kmob.com  
eOAPilot@kmob.com

<b>Office Action Summary</b>	<b>Application No.</b> 10/786,576	<b>Applicant(s)</b> MCCARTY ET AL.	
	<b>Examiner</b> DISLER PAUL	<b>Art Unit</b> 2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 20 October 2009.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-46 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-46 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

The applicant's amended claim has been further analyzed and rejected over new prior art.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the

Art Unit: 2614

applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-4; 9; 16; 22-25 are rejected under 35 U.S.C. 102(e) as being anticipated by Markow et al. (US 6,925, 188 B1).

Re claim 1, Markow et al. disclose of a modular mounting bar for securing components for used with a display device comprising a housing to a surface separate from the display device (fig.1 (14); col.2 line 41-42/lower shell housing to a surface separate from the display (12)) comprising: a plurality of audio-visual modules (fig.1 (L, 32); col.2 line 64-col.3 line 7/speakers and CD-ROM as the audio-visual modules) and a rail configured to be attached to the surface via at least one of a plurality of openings disposed along the rail and the rail being configured to receive each of the modules at a respective one of a plurality of coupling points along the rail (fig.2-4; fig.1 (44; 20); fig.5 (44,20); col.3 line 23-35/rail with opening to receive the modules) and wherein the modules are positioned above or below the display device and within the vertical bound of the display device (fig.1 (L, 32, 10, 12); col.2 line 37-60/the module as being below the display screen and within the vertical bound of the display) and wherein the rail is not coupled to either the display device or the housing of the display device, and wherein the surface comprises the outer surface of a wall (fig.5; fig.1 (10, 12, 18,20) the rail is not couple the display or housing of the display and

Art Unit: 2614

surface as wall comprise the outer surface of the wall) and a cover configured to be secured in front of at least a portion of one of the modules (fig.1; fig.5 (18); col.2 line 57-61).

Re claim 2, Markow et al. disclose of a modular mounting system for audio-visual components for use with a display device comprising a housing, comprising: at least one audio-visual module (fig.1 (L, 32); col.2 line 64-col.3 line 7/speakers and CD-ROM as the audio-visual modules); and a rail wherein the rail is configured to be attached to a surface other than surfaces of the display device, wherein the surface comprises the outer surface of a wall (fig.1 (10, 12 18, 20); fig.5 (18, 44,20); col.3 line 23-35/rail on surface other than the display and surface as wall comprise the outer wall), wherein the rail is separate from the display device and the housing of the display device, and wherein the rail is configured to receive the module at a plurality of locations along the rail fig.1 (18, 20); fig.5 (18, 44,20); col.3 line 23-35/rail with opening to receive the modules), wherein the module is positioned above or below the display device and within the vertical bounds of the display device (fig.1 (L, 32, 10, 12); col.2 line 37-60/the module as being below the display screen and within the vertical bound of the display).

Art Unit: 2614

Re claim 3, the modular mounting system of claim 2, wherein comprising having a cover that is configured to be securely position in front of the modules (fig.1 (18); col.2 line 57-61).

Re claim 4, the modular mounting system of claim 3, wherein the cover is configured to be secured to the at least one module (fig.1 (18); col.2 line 57-61).

Re claim 9, the modular mounting system of claim 2, wherein the at least one audio-visual module comprises a loudspeaker (fig.1 (L); col.2 line 45-47; col.2 line 63-65).

Re claim 16, the assembly of claim 2, further comprising many different modules in the rail, wherein the at least one of the audio-visual modules comprising a compact disk player (col.3 line 5-8).

Re claim 22, the method of Claim 24, wherein the rail has portions thereof that define a channel; and wherein the audio-visual component has attachment surfaces that matingly connect with the channel to the rail, so as to fix the component in a desired location on the rail (fig.5 (T, D); col.3 line 25-35).

Art Unit: 2614

RE claim 23, the method of Claim 22, further comprising: securing a cover to the component so as to secure the cover in a desired location on the component (fig.1 (18); col.3 line 33-36).

Re claim 24, Markow et al. disclose a method of mounting audio-visual components for use with a display device comprising a housing, to a surface separate from the display device (fig.1 (14); col.2 line 41-42, comprising: securing a rail to the surface, the surface comprising the outer surface of a wall (fig.5; fig.1 (10, 12, 18,20) the rail is secured to a surface as wall comprise the outer surface of the wall); and connecting an audio-visual component to the rail, wherein the audio-visual component is positioned above or below the display device and within the vertical bounds of the display device (fig.1 (L, 32, 10, 12); col.2 line 37-60/the module as being below the display screen and within the vertical bound of the display).

RE claim 25, the method of Claim 24, further comprising connecting at least one additional audio-visual component to the rail (fig.2-5).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and

Art Unit: 2614

the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 5, 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Markow et al. (US 6,925, 188 B1) and Donohoe (US 5,737,123).

Re claim 5, the modular mounting system of claim 3, but, Markow et al. fail to disclose of wherein the cover comprises a grille. But, Donohoe disclose of the similar concept of wherein the cover comprises a grille (col.3 line 35-40) for protecting the speaker against damage. Thus, it would have been obvious for one of the ordinary skill in the art to have modified the prior art with incorporating the cover comprises a grille for protecting the speaker against damage.

Similarly Re claim 29 has been analyzed and rejected with respect to claim 5.

Claims 10; 17, 37, 44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Markow et al. (US 6,925, 188 B1) and Simon (US 2001/0027560 A1).

Re claim 10, the modular mounting system of claim 2, but, Markow et al. fail to disclose of wherein at least one audio-visual module comprises a DVD player. But, Simon disclosed of a system wherein the similar concept of having such audio-visual module comprises a DVD player (fig.6; par [0043]) so as to enable user to play movies. Thus, it



Art Unit: 2614

would have been obvious for one of the ordinary skill in the art to have modified the prior art with incorporating audio-visual module comprises a DVD player so as to enable user to play movies.

Re claim 17, the assembly of claim 2, but, Markow et al. fail to disclose of wherein the at least one of the audio-visual modules comprising a digital video recorder. But, Simon disclosed of a system wherein the similar concept of having such audio-visual module comprises a digital video recorder (fig.6; par [0043]) so as to enable user record video images. Thus, it would have been obvious for one of the ordinary skill in the art to have modified the prior art with incorporating audio-visual module comprises a digital video recorder so as to enable user record video images.

Similarly Re claims 37, 44 have been analyzed and rejected with regard to claims 10, 17.

Claim 6-8; 11-15; 18-21; 26-28; 30-36, 38-43, 45-48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Markow et al. (US 6,925, 188 B1).

RE claim 6, the modular mounting system of Claim 2, but, Markow et al. fail to disclose of wherein the rail comprises a plurality of openings configured to receive a fastener, the fastener being securable to the surface.

But, it would have been obvious for one of the ordinary skill in the art to have tried in modifying the rail as disclosed with additionally having a plurality of openings configured to receive a fastener, the fastener being securable to the surface for providing further stability to the portable device.

RE claim 7, the modular mounting system of Claim 2, wherein the rail comprises: a base configured to define a mating relationship with the at least one module (fig.5 (T,B);/providing a mating relationship with the module ); but, Markow et al. fail to disclose of such rail having a pair of flanges that defines a groove running along the lengthwise edge of the base.

But, it is noted the concept of having such rail having a pair of flanges that defines a groove running along the lengthwise edge of the base is merely an obvious variation of the engineering design with producing no unexpected result.

Re claim 8, the modular mounting system of Claim 7, wherein the pair of flanges each extend approximately perpendicularly from each end of the base and along opposing longitudinal edges of the base, each flange having a portion comprising an inwardly extending (see claim 7 rejection).

Art Unit: 2614

Re claim 11, the assembly of claim 2, Markow et al. failed wherein the module comprise an amplifier. But, it would have been obvious for one of the ordinary skill in the art to have tried in modifying the module as additionally having such audio-visual module comprise an amplifier so as to increase the audio signal for the listener.

Re claim 12, the modular mounting system of claim 2, but, Markow et al. failed to disclose of the audio-visual module comprise a television tuner. Similarly, it would have been obvious for one of the ordinary skills in the art to have tried in modifying such module with additionally including such audio-visual module comprise a television tuner so as to enable the user to receive television program as desired.

RE claim 13, the modular mounting system of Claim 2, but, Markow et al. failed to disclose of wherein the at least one audio-visual module comprises an audio-visual controller.

Similarly, it would have been obvious for one of the ordinary skills in the art to have tried in modifying such module with additionally including such audio-visual module comprise an audio-visual controller so as to enable the user to manually adjust the module device.

Art Unit: 2614

Re claim 14, the modular mounting system of Claim 2, but, Markow et al. failed to disclose of wherein the at least one audio-visual module comprises a wireless transmitter.

Similarly, it would have been obvious for one of the ordinary skills in the art to have tried in modifying such module with additionally including such audio-visual module comprise a wireless transmitter so as to relay audio-video signal to other component of the device.

RE claim 15, the modular mounting system of Claim 2, but, Markow et al. failed to disclose of wherein the at least one audio-visual module comprises a wireless receiver.

But, it would have been obvious for one of the ordinary skills in the art to have tried in modifying such module with additionally including such audio-visual module comprise a wireless receiver so as to relay video signal received from the outside.

RE claim 18, the modular mounting system of Claim 2, but Markow et al. failed to disclose of wherein the at least one audio-visual module comprises an MP3 player.

But, it would have been obvious for one of the ordinary skills in the art to have tried in modifying such module with additionally

Art Unit: 2614

including such audio-visual module comprise an MP3 player so as to enable the storage and playing of audio files.

Re claim 19, the modular mounting system of Claim 2, but Markow et al. failed to disclose of wherein the at least one audio-visual module comprises a central processing unit (CPU).

But, it would have been obvious for one of the ordinary skills in the art to have tried in modifying such module with additionally including such audio-visual module a central processing unit (CPU) so as to integrate all the module components for processing.

Re claim 20, the modular mounting system of Claim 2, but Markow et al. failed to disclose of wherein the at least one audio-visual module comprises a media center.

But, it would have been obvious for one of the ordinary skills in the art to have tried in modifying such module with additionally including such audio-visual module comprises a media center so as to enable the user to play various kind of media as in (music, movies, photo) as desired.

Art Unit: 2614

Re claim 21, the modular mounting system of Claim 2, but Markow et al. failed to disclose of wherein the at least one audio-visual module comprises an audio-visual signal distribution system.

But, it would have been obvious for one of the ordinary skills in the art to have tried in modifying such module with additionally including such audio-visual module comprises an audio-visual signal distribution system so as to distribute scrambled pay TV program provided by the TV program provider.

**Re claim 26,** Markow et al. disclose of an assembly for mounting audio-visual components for use with a wall-mounted display device comprising a housing, the assembly comprising: at least two audio-visual modules comprising loudspeakers (fig.1 (L, 32); col.2 line 64-col.3 line 7) ; a rail wherein the rail is configured to only be attached to a surface other than surfaces of the display device and the housing of the display device, the surface comprising the outer surface of a wall (fig.2-5); and wherein the rail is configured to receive the modules (fig.3), wherein the audio-visual modules are positioned above or below the display device and within the vertical bounds of the display device (fig.1 (L, 32, 10, 12); col.2 line 37-60/the module as being below the display screen and within the vertical bound of the display); and a cover and defining a mating relationships with the at least two modules (fig.5 (18)).

Art Unit: 2614

Similarly, it would have been obvious for one of the ordinary skills in the art to have such cover as having a dimension approximately equal to a length of the display device so as to create a more aesthetic appearance.

RE claim 27, the assembly of Claim 26, wherein the cover is configured to be coupled to the modules (fig.1,5 (18)).

RE claim 28, the assembly of Claim 26, wherein the cover is configured to be coupled to the rail (fig.1,5 (18)).

RE claim 30, the assembly of Claim 26, wherein comprising the modules comprising the loudspeakers (fig.5 (L)).

Similarly, it would have obvious for one of the ordinary skill in the art to have tried in modifying the modules with further having such third module comprising a loudspeaker with producing no unexpected result based on the designer's preference.

Similarly Re claim 31-32 has been analyzed and rejected with respect to claims 11, 15.

RE claim 33, Markow et al. disclose of a modular mounting bar for securing components in proximity to a display device having a width,

Art Unit: 2614

comprising: a rail having mounting locations for audio-visual components and configured to be secured to an outer surface of the wall independent from the display device (fig.1 (14); fig.2-5; col.2 line 41-42/lower shell having a rail to a surface separate from the display (12)); and means for connecting an audio-visual component to multiple locations on the rail so that component locations match the width of the display device (fig.1 (L); speaker match the width of display), wherein the component is positioned above or below the display device and within the vertical bounds of the display device (fig.1 (L, 32, 10, 12); col.2 line 37-60/the module as being below the display screen and within the vertical bound of the display).

It would have been obvious for one of the ordinary skill in the art to have the display device being secured to the wall so as to provide the display with additional stability.

RE claim 34, the module mounting bar of Claim 33, further comprising means for connecting at least one additional audio-visual component to the rail(fig.3 (L)).

Re claim 35, Markow et al. disclose of a modular mounting bar for securing components in proximity to a display device having a width, comprising: a plurality of audio-visual-modules (fig.1 (L, 32); col.2 line 64-col.3 line 7/speakers and CD-ROM as the audio-visual modules);



Art Unit: 2614

a rail configured to be secured to an outer surface of the wall independent from the display device and having a length (fig.2-4; fig.1 (10, 12, 44; 20); fig.5 (44,20); col.3 line 23-35); wherein the rail has a plurality of mounting holes at each of a plurality of module mounting locations to match module mounting to the width of the display device, and wherein each of the modules is configured to be attached to the rail at a respective one of the module mounting locations fig.2-4; fig.1 (44; 20); fig.5 (44,20); col.3 line 23-35/rail with opening to receive the modules), wherein the modules are positioned above or below the display device and within the vertical bounds of the display device fig.1 (L, 32, 10, 12); col.2 line 37-60/the module as being below the display screen and within the vertical bound of the display); and a cover having a length (fig.1 (18); col.2 line 55-60).

It would have been obvious for one of the ordinary skill in the art to have the display device being secured to the wall so as to provide the display with additional stability.

Similarly, it would have been obvious for one of the ordinary skills in the art to have tried in modifying such length of the rail with additionally having the length not being greater than the width of the display device with producing no unexpected result.

Art Unit: 2614

Also, it would have been obvious for one of the ordinary skills in the art to have such cover as being substantially the same as the width of the display device for providing a more aesthetic appearance to the device.

Re claim 36, the modular mounting bar of Claim 35, wherein at least one of the audio-visual modules comprises a loudspeaker (fig.1 (L)).

Re claim 43, the modular mounting bar of claim 35, wherein at least one of the audio-visual modules comprise a compact disc player (col.3 line 5-8).

Similarly, RE claims 38-42; 45-48 have been analyzed and rejected with respect to claims 11-15, 18-21.

#### **Contact**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Disler Paul whose telephone number is 571-270-1187. The examiner can normally be reached on 7:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chin Vivian can be reached on 571-272-7848. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published

Art Unit: 2614

applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/D. P./

Examiner, Art Unit 2614

/Xu Mei/

Primary Examiner, Art Unit 2614